

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TWIN CITY PIPE TRADES SERVICE
ASSOCIATION, INC., *a Minnesota non-
profit corporation,*

Civil No. 08-4853 (JRT/RLE)

Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

DARWIN FLATTEN, *individually and
d/b/a KENWOOD PLUBMING,*

Defendant.

William A. Cumming, **HESSIAN & MCKASY, PA**, 4000 Campbell Mithun
Tower, 222 South Ninth Street, Minneapolis, MN 55402, for plaintiff.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Raymond L. Erickson, dated January 15,
2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the
files, records and proceedings herein, **IT IS HEREBY ORDERED** that: this action is
dismissed for failure to comply with Magistrate Judge Erickson's Order of December 16,
2008, for failure to effect proper service on the Defendant, and for lack of prosecution.

Dated: February 10, 2009
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge